

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

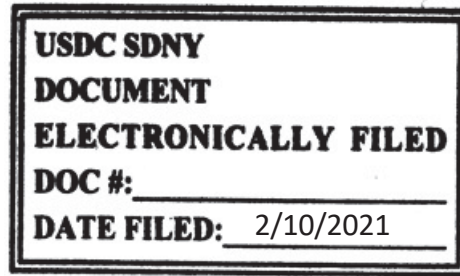
Jose Pareja, individually and on behalf of all
others similarly situated,

Plaintiff,

-against-

184 Food Corp. et al.,

Defendants.



1:18-cv-05887 (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

It is hereby Ordered that, no later than February 26, 2021, Defendants 0113 Food Corp., Giovanni Marte, Gustavo Marte, and Jose Marte (hereinafter “Defendants”) shall file any response to the motion of their counsel, Cesar A. Fernandez to withdraw. (See ECF No. 249.) Defendants’ counsel shall serve a copy of this Order upon Defendants no later than Friday, February 12, 2021 and shall file such proof of service on the docket no later than Tuesday, February 16, 2021. Defendants shall provide a copy of any response to their current counsel and counsel shall file any response on ECF immediately upon receipt.

Defendant 0113 Food Corp. is hereby advised that a corporation cannot appear *pro se* in this Court. Thus, if Mr. Fernandez is permitted to withdraw as counsel, and no successor counsel appears, a default judgment may be entered against it. See, e.g., *McFarlane v. Harry’s Nurses Registry*, No. 17-CV-06350 (PKC) (PK), 2020 WL 1643781, at *15 (E.D.N.Y. Apr. 2, 2020) (corporate defendant’s failure to obtain counsel is failure to “otherwise defend” under Federal Rule of Civil Procedure 55(a)). While the individual defendants, Giovanni Marte, Gustavo Marte and Jose Marte, can proceed *pro se*, they still will be required to comply with all Court orders and deadlines

and failure to do so may result in the imposition of sanctions, up to and including entry of a default judgment against them.

SO ORDERED.

DATED: New York, New York
February 10, 2021

A handwritten signature in black ink, reading "Stewart D. Aaron", written over a horizontal line.

STEWART D. AARON
United States Magistrate Judge